

December 12, 1997 (now U.S. Patent 5,881,444), beginning at a date prior to the filing date on November 26, 1997 of the application that issued in U. S. Patent 6,017,657 (Menz et al.) and continuing through the filing date of Application Serial No. 08/991,101 on December 12, 1997. A revised draft of the patent application (Exhibit C of Brownlee Declaration), revised on November 18, 1997, and sent to Ms. Wild on November 19, 1997, is substantially identical to Patent Application Serial No. 08/991,101, with only one minor change noted on the draft. This clearly establishes the conception of the invention, including all the claims in Patent Application Serial No. 08/991,101, prior to the November 26, 1997 filing date of the Menz et al. patent application and due diligence in filing the patent application (constructive reduction to practice) on December 12, 1997.

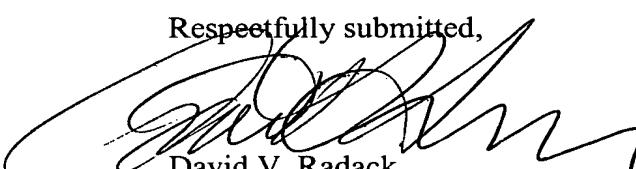
A Terminal Disclaimer in compliance with 37 CFR 1.32(c) is enclosed to overcome the double patenting rejection over U.S. Patents 5,881,444 and 6,006,415.

The Official Action includes Paragraphs 5, 6, 7, 8, 9, 10, 11, 12 and 13 rejecting Applicant's claims under Sections 102(e) and 103. All of these rejections rely primarily on the disclosure in Menz et al. 6,017,657 (Menz). Those rejections are all overcome by Applicants' Declarations that clearly show conception of the inventions disclosed and/or claimed in U.S. Patent Application Serial No. 08/991,101 prior Menz' filing date, and show diligence by Applicants in filing their patent application (constructive reduction to practice) on December 12, 1997. This effectively swears back of the Menz patent in accordance with 37 CFR 1.131.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached pages are captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

Applicants respectfully submit that the amendments to this application, the enclosed Declarations and Terminal Disclaimer place all the claims in this application in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,



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VERSION WITH MARKING TO SHOW CHANGES MADE

In the specification:

The paragraph beginning on page 1, line 4, has been amended as follows:

This is a continuation-in-part of U.S. Patent Application Serial No. 09/166,974, filed January 4, 1999, now U.S. Patent 6,006,415, which was a continuation-in-part of U.S. Patent Application Serial No. 08/991,101, filed December 12, 1997, now U.S. Patent 5,881,444.

In the claims:

Claims 1 and 16 have been amended as follows:

1. (amended) A method of applying a holographic image to the surface of an article made of hard temper metal comprising:

 providing a photoresist coated plate,

 etching a holographic pattern in the photoresist with said pattern etched to a depth [o] of at least about 3 microns in the photoresist,

 growing a mother shim on said photoresist with said pattern in it from said photoresist,

 transferring said pattern from the mother shim to multiple sister shims,

 transferring said pattern from said one of said sister shims to a die having a surface hardness of at least about 200 kg/mm²,

 providing a metal article to be impressed with said holographic image, said article having a surface hardness of at least about 50 kg/mm², and

 pressing said die against a surface on said metal article to transfer said holographic image into a surface on said metal article.

16. (amended) A method of applying a holographic image to the surface of hard temper aluminum drawn can bodies comprising:

 providing at least one cylindrical print cylinder having a holographic image in its surface around a portion of the circumference of the print cylinder and a smooth surface around the remainder of the circumference of the print cylinder,

 providing a hard temper aluminum can body having a longitudinal axis parallel with the longitudinal axis of said at least print cylinder,

moving at least one of said at least one print cylinder and said can body toward the other to press said smooth surface on the print cylinder against said can body under substantial interfacial pressure, and

rotating at least one of said can body and said at least one print cylinder on its longitudinal axis while maintaining said substantial interfacial pressure to transfer said image from said print cylinder to the surface of said can body.